

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

W&W-AFCO STEEL, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-19-568-D
)	
SME STEEL CONTRACTORS, INC.,)	
)	
Defendant.)	

ORDER

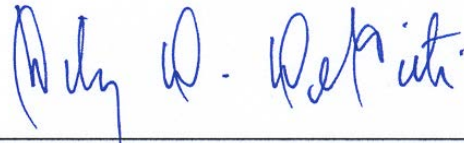
Upon examination of the Complaint, the Court finds insufficient allegations to establish the existence of subject matter jurisdiction under 28 U.S.C. § 1332, as asserted by Plaintiff.¹ Specifically, the Complaint fails to provide necessary facts regarding the citizenship of Plaintiff, which is identified as a limited liability company. A limited liability company is not treated like a corporation under 28 U.S.C. § 1332(c)(1), but like a limited partnership or other unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). See *Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015); see also *Spring Creek Expl. & Prod. Co. v. Hess Bakken Inv., II, LLC*, 887 F.3d 1003, 1014 (10th Cir. 2018). The Complaint neither

¹ The Court has “an independent obligation to determine whether subject-matter jurisdiction exists” and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006); see *Arbaugh v. Y&H Corp.*, 546 U.S. 500 506 (2006); see also *Havens v. Colo. Dep’t of Corr.*, 897 F.3d 1250, 1260 (10th Cir. 2018).

identifies Plaintiff's members nor alleges their citizenship. Thus, no factual basis for diversity jurisdiction is apparent.²

IT IS THEREFORE ORDERED that Plaintiff shall file an amended complaint that sufficiently alleges the existence of subject matter jurisdiction within 14 days from the date of this Order.

IT IS SO ORDERED this 25th day of June, 2019.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

² With the Complaint, Plaintiff filed a Disclosure Statement [Doc. No. 3] consistent with LCvR7.1.1. However, the filing simply identifies Plaintiff's owner as another limited liability company that is owned by two corporations, and the citizenship of the corporations is not identified in the manner required by § 1332(c)(1).